

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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IN RE APPLICATION TO REISSUE
U.S. PAT. NO. 4,912,155,

ISSUED MARCH 27, 1990

SERIAL NO. 07/714,441

FILED: JUNE 13, 1991

FOR: ANTIOXIDANT AROMATIC
FLUOROPHOSPHITES

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

DECLARATION OF W.G. MONTGOMERY UNDER 37 C.F.R. 1.175(b)

Sir:

I, W.G. Montgomery, hereby declare:

1. I am an attorney admitted to practice before the United States Patent and Trademark Office. Prior to my present employment, I was associated with Ethyl Corporation at which time I was responsible for part of the prosecution of Serial No. 20,023. I now understand that Serial No. 20,023 issued March 27, 1990 as U.S. 4,912,155, and that the inventor and the assignee of the Patent have filed an application to reissue the above Patent.

2. I was not involved in the preparation or filing of the original application. I was transferred the case by Joseph Odenweller about May 9, 1988. I responded to the initial office actions in the above prosecution. About April 17, 1989, I left Ethyl to take a position with another company.

3. I also filed a European Patent Application on the invention. On July 19, 1988, Ethyl received the results of a European search report, identifying U.S.S.R. Pat. No. 398,574

(Kim), U.S. Pat. No. 3,254,050 (Baranauckas) and U.S. Pat. No. 3,281,506 (Shepard) and a copy of the report and subsequent communications which are shown to me are here included as Attachment A. I have no present knowledge or recollection of seeing or reviewing the report prior to last week. The normal practice at Ethyl Corporation's patent department at the time was that foreign search reports were considered only after the European Patent Office issued an office action. At the time, the office was understaffed and all the attorneys were carrying large dockets. This made it difficult for the attorneys to review files until the time a response was due.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: February 3 1992

W. G. Montgomery
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